G. R. S. 58]

Previous references.

Cs 131-11 (1-2)B

1912. 13

(Cs)

Later references.

File No. 294-12

Serial Nos. 1-6

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-6

Part B for Nov. 13

SUBJECT.

Reduction of the jurisdiction of the Sub-judges' Courts of Bangalore & Mysore & Shimoga under the guardian and wards Regulation & the succession certificate Regulation.

From The Regr. Chf Ct 3844 24/25/14/13.

stating that the Dist. Judge 285 can carry out the purpose of the said Regulation more satisfactorily than now proposes that the jurisdiction of the Sub-judges Bangalore, Mysore & Shimoga be limited to cases involved
1 property worth not more than Rs. 2500/-.
2. To The Regr. Chf Ct J 587 Of 19/8/13.

Requests him to move the Chf Ct to consider whether it would not be more in consonance with the Civil Cts Regn, if the jurisdiction in these matters also is subjected to the same pecuniary limits as in regular civil courts.

GPB—5,000—22-10-13

P.T.O

13/10

3. From The Same Officer

No. D.O. dt 8.9.13.

Invites reference to the opinion of the Chf Ct in the matter, recommend the withdrawal of jurisdiction now exercised by the Sub-Judges under the Guardian & Wards Regn for reasons given therein, & adds that the notification relating to the jurisdiction.

4. To The Registr Chf Ct 1220 of 18/10/13.

Request that a draft notification regarding the withdrawal of jurisdiction exercised by the Sub-Judges under the G & W. Reg may be forwarded.

5. From The Same Officer No. 1757/143 of 29/10/13.

Forwards a draft notification

6. To The Compltr, Mysore Gazette

J. 1584 of 26/11/13.

Notifies that the investment of the Subordinate Judges of the Courts of Bangalore, Mysore & Shimoga, with the function of a Dist Court under Section 4. of the Guardian & Wards Regulation (V of 1914, is cancelled)

13/12

G.R.S. 1P]

1912-13

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES

File No. 294-12

FILE HEADING.

Reduction of the jurisdiction of the Sub-judges' courts of Bang Mysore and Shimoga under the Guardian and wards Regulation and the Succession Certificate Regulation.

From The Registrar, Chief Court.

No. 3844/285 Dated 24/25.4.13. Received 26.4.13.

Diary No.	Enclos.	Spare Copies.	Serial No.
3054	1	nil	1

BRIEF ABSTRACT OF LETTER.

States that the District judges can carry out the purp of the said Regulations more satisfactorily than now proposes that the jurisdiction of the Sub-judges of Bang Mysore and Shimoga be limited to cases involv property worth not more than Rs 25000/-

NOTES AND ORDERS.

1) Subd. Copies of the two Regulations put up.

2) The Subordinate judges of Bangalore, Mysore and Shimoga were invested with the powers of a District Cou

NOTES—First Sheet.

GPR -30,000.-27-6-11

Serial No.

flag X

flag * W

" O X

in Govt Notifications nos:
J 1403/Cls 131-11-2 d. 8.11.11 and
No 14015*/J 1180 d. 24.2.02 &
J 347⊙-C-22-2 d. 1.8.05
under the Guardian & Wards Regn
(V of 1911) and the Succession Certi-
-cate Regulation (VII of 1901) respe-
ively.

flag "

3) According to the Statement" there is not so quick a disposa of cases filed under the said Regs in the courts of the Subjudge of Ba-alore and Mysore as in the District courts or the court of th Subjudge of Shimoga.

4) It is stated that the Distri Judges have more time at their com-mand and can carryout the purposes of the Regulations better t the Subjudges. Hence the proposa to limit the pecuniary jurisdic of the latter to cases where the vali of the property involved does not ex Rs 2500/-

Paper under disposal

Subd for orders.

RBS 148. 5.6.13.

5) What is the practice in British India in this

(RB) 5/6/13

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

R. S. 12]

General and Revenue Secretariat.

Ch File No. 294 of 1912.

Serial No.

6) Put up. rep Ch if any

SPDL 13/5

Ch

7) In British India (in Madras) certain Subordinate Judges' Courts are invested with the functions of a Dt court under sec 26 (1) of the Succession Certificate Act

Vide flag N.

BSP SN 28.5.13

8) It is proposed by the Chief Court to confine the Jurisdn of the Sub. Judges' Courts to cases in which the value of the property involved does not exceed Rs 2500. The reasons for this step are assigned in the Regr's letter. As it is the intention of the Chief Court that all important cases under the two Regulations should be tried only by the Dt Judge who will be able to devote greater time & responsibility to the work the proposal of the Chief Court may be approved.

9) Dy Secy

SPDL 28/5

The powers already conferred can be varied any under the general authority

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

3054

4/4

[R. S. 12]

General and Revenue Secretariat.

(5 File No. 294 of 1912 -

Serial No.

Confered by Sec 21 of the General Clauses Reg. on page 2 of the Chief Court letter it is said that even the District Judges do not exercise their protective power well. At the same time complaints is reposed in them by the Chief Court in consequence of their higher status.

(10) In this connection it may perhaps be noted that Courts of law, however well-intentioned & vigilant, will not be quite equal to exercising the protective power efficiently. To do so would require local knowledge or proper means to secure it indirectly. At present it is not possible to get it easily; and the deficiency of the existing law may, to some extent, be viewed as being responsible for the defect noted by the Chief Court.

(Committed) Deputy Secretary 31/5

(11) See S. 4(2) of the G & W. Regn
L.S. ~~26~~ 22(2) of the Suc. Cert. Regn.
Inferior Courts invested under these ~~Regulations~~ provisions have all the powers of a Dist. Court. Can a pecuniary limit be placed on this jurisdiction as proposed? If necessary, Consult Ch. Court unofficially.

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

3084

5

R. S. 12]

General and Revenue Secretariat.

Cs File No. 294 of 1912–13.

Serial No.

How is the matter dealt with in Madras & Bombay?

22/6/13

Cs

P.T.O

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

30524

16

R. S. 12]

General and Revenue Secretariat.

Ch File No. 294 of 191 2-13

Serial No.

12) Forwarded unofficially to the Registrar, Chief Court for favour of obtaining the opinion of the Chief Court on the point raised by the Trust Committee.

By order.

Malaiyappan
for Secy to Govt.

SW

P.O. No 9 52-12
26.6.13.

ho. 344/17

13) The file is retransmitted with copies of the opinions of the Judges appended.

17th July 1913.

Malaiyappan
Registrar, Chief Ch

18/7/13

Ch 19/7

NOTE—Contn. sheet.

P.T.O.

GPB—65,000—17-6-12.

Serial No. 14)

The Chief Judge :- Although the Guardian and Wards Regulation and Succession Certificate Regulation say that inferior courts invested with jurisdiction under those Regulations shall have all the powers of a District Court, it appears to me that their jurisdiction is limited to cases in which the value of the property involved does not exceed Rs. 2500 in the case of Munsiffs and Rs. 5000 in the case of Subordinate Judges (Vide sections 9 and 10 of the Civil Courts Regulation No. 1 of 1883). Under section 21 of the General Clauses Regulation and also under section 22 of the Succession Certificate Regulation, it is, I think competent to Government to vary the notifications issued by them under the Regulations in question by placing a still greater limitation upon the pecuniary jurisdiction of those Courts. The words "not otherwise exempted from his jurisdiction" in sections 9 and 10 of the Civil Courts Regulation, seem to also lend support to this view.

15) I may in this connection state that under the Succession Certificate Act (vii of 1889), the Government of the United Provinces and Oudh have issued notifications investing the Subordinate Judges and Munsiffs with the functions of a District Court "within the local and pecuniary limits of their ordinary jurisdiction" as Subordinate Judges or Munsiffs. (vide the appendix on page 69 of H.C. Sinha's Succession Certificate Act). Our notifications Nos. 14015/J.1180 dated 24th February 1922

NOTE—Contn. sheet.

J.347-C dated the 1st August 1905 issued under the Succession Certificate Regulation, also proceed on the same lines. The notifications issued by the Governments of Madras and Calcutta are in general terms. See page 155 of Madras Local Rules and Orders and page 69 of Sinha's Succession Certificate Act. I have not been able to lay my hands on the notifications issued by the Government of Bombay.

16) No notifications have been issued by any of the local Governments in British India under the Guardian and Wards Act (viii of 1890), apparently because that Act does not contain a provision similar to section 4 of our Regulation regarding the investiture of inferior courts with the jurisdiction of a District Court.

17) Mr. Justice K. S. Chandrasekhara Aiyar :- I agree with the Chief Judge that there is no objection to a pecuniary limit being placed on the jurisdiction of subordinate courts.

Mr. Justice E. H. Wallace:- I also agree.

18)

P.T.O

GPB—65,000—17-6-12.

(9)

G. R. S. 12]

General and Revenue Secretariat.

File No. 294 of 1912-13.

Serial No.

19) Subd for orders (with refes)

RSJ 20/7/13 SW 7

Dr Seth)

1st Counsellor)

SDR 22/7

Draw a reply 22/7 SLR

20) We may accept the opinion of the Chief Court, though I do not think that the reasoning on which it is based by the Ch. Judge does not seem to be flawless. The best thing seems however to be that the limitation of pecuniary limits be introduced by an amending Act in the Regulations amendment of the Regulations themselves.

21) However a Note as recommended may be passed

23/7/13

WJ 24/7 Draw 24/7

22) Draft SLR 24/7 P.T.O

Ch 24/7

NOTE—Contn. sheet.

G I D—65,000—17-C-12.

3054 (10

R. S. 12]

General and Revenue Secretariat.

Ch File No. 294 of 1912 —— 13.

Serial No.

23) Subd with two draft notifications accordingly

788 SN
28.7.13.

24) The Draft re Guardian & Ward is not quite correct

31.7.13.

25) In the last para of the letter, the Regr states that the Recency draft Notifns will be forwarded if the proposals meet with the approval of Govt. Please put up a draft Order approving of the proposals & calling for the draft Notifns

SPM
31/7

Regr's case now removed.
788 31/7

26) Subd with a draft ~~to the Registrar, Coorg~~ accordingly

788 SN
1.8.13

27) Revised draft put up.

788 SN
6.8.13

Dy Secy) SPM
7/8

1st Commr Coorg
Dwarg Clerk
8/8

28) Please issue a d.o. ~~also~~ requesting the Ch to consider whether it would not be

NOTE—Contn. sheet.

GPB—85,000—17-6-12.

2,054

11/11

G. R. S. 12]

General and Revenue Secretariat. | Ch File No. 294 of 1912-13

Serial No.

more in Consonance with the Civil Cts Regns if the jurisdiction in these Matters also is subjected to the same pecuniary limits as in regular Civil Suits.

8/8/13

9/8

29) Draft D.O.

Ch. 9/8

9/8

30) Subd with a draft D.O. as directed by the 1st Councillor.

12.8.13.

31) Draft appd. by 1st Councillor 13.8.13.

14/8

32) Issue 14/8

P-T-O

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

J857.

92.

[F. R. S. 12]

General and Revenue Secretariat.

Ch File No. 294 of 1912-13

Serial No.	
2.	J. 587. d. 19.8.13. To the Regr Chief Ct. Requests him to move the Chief Court to consider whether it would not be more in consonance with the Civil Courts Regn, if the jurisdiction in these matters also is subjected to the same pecuniary limits as in regular Civil Suits.
3.	From the same officer No D.O. d. 8.9.13. Invites refce to the opinion of the Chief Court in the matter, recommends the withdrawal of jurisdiction now exercised by the Subjuds under the Guardian & Wards Regn for reasons given therein & adds that the notifications relating to the jurisdiction under the Succession Certificate Regn may remain unaltered, as the Chief Court are of that opinion now.

33 Subd for orders.

RSP WM.
(12) 15-9-13 Dr Secy)

SPM 16/9

34/16

The revised proposals of the Chief Court appear to be based on far too great an importance of the Guardian & Ward cases. No sufficient justification seems to exist for withdrawing the jurisdiction conferred on the Subjudges under secn 4 of the G&W. Reg.

NOTE—Contn. sheet.

GPB—65,000—17-5-12.

[C. R. S. 12]

General and Revenue Secretariat.

Cb File No. 34 of 1913

Serial No.

36 Pecuniary limits can however, be placed on such jurisdiction as they are not inconsistent with Sec 4 which deals with functions merely.

36 The Chief Court now considers that the powers of Sub Judges under the S. C. Reg may remain unaltered.

Drum 17/9/13

1st Counsellor

37) I am inclined to adopt the later suggestion of the Chief Court. Please draft accordingly — [signature]

18/9/13

Drum 18/9

S/Sec 16/9

38 Draft Sub.

Reg.-116 WK

24/9/13

39 Dr Secy) S/Sec 24/9

40

1st Counsellor (called) Drum 25/9/13

Draft appd. by 1st Counsellor 27.9.13.

DNS

Drum 3/10

Secy 3/10

41 Issue

S/Sec 3/10

NOTE—Contn. sheet.

GPB—65,000—17-3-12.

R. S. 12]

General and Revenue Secretariat.

ct File No. 294 of 1912

Serial No.	
	Do.
4	The Registrar, Chief Court no. J 1220 dt 18.10.13 Requests that a draft notification regarding the withdrawal of jurisdiction exercised by the Sub-Judges under the G. & W. Regn may be forwarded.
5	From The same officer no. 1757/1438 dt 27.10.13 Forwards a draft notification - Subd. The draft notification was called for ~~as per order of the 1st~~ in accordance with the views of the 1st Cr — vide para 37 supra. Subd. for orders. K.N. (110) 15.11.13 KN
	43 The draft notfn may be approved
	44 Dr Secy) SJOR 17/11
	45 1st Councillor) Draft appd: by 1st Councillor 20.11.13 MGS Dewan 21/11
	46 Issue SJOR 21/11
6.	To, The Compiler Mysore Gazette No. J 1584. dt 26-11-13

R 1-12-13

NOTE—Contn. sheet.

. R. S. 12]

1353 15

General and Revenue Secretariat.

to. File No. 294 of 1913

Serial No.

Notifies that the investment of the Subordinate judges of the courts of Bangalore, Mysore & Shimoga, with the functions of a Dist. Court under Sec. 4 of the Guardian and Wards Regulation (V of 1914, is cancelled.

Rec'd 8/10

NOTE.—Contn. sheet.

GPB—65,000—17-6-12.

No. 3844/285

CHIEF COURT OF MYSORE.

Bangalore, dated 24th April 1913.

Dis. No. 4.3854

19/2-1913.
SECTION Courts
FILE No. 29412
SERIAL No. 1

From,

The REGISTRAR of the
Chief Court of Mysore.

To,

The SECRETARY to the Govt: of Mysore,
General and Revenue Departments.

S i r,

I am directed to state that the Chief Court are of opinion that the District Judges of Bangalore, Mysore and Shimoga should take up a larger share of the work connected with the granting of certificates under the Guardian and Wards Regulation (No. V of 1911) in respect of the persons and properties of the minors, than they do now do, as this work is by no means less important than that of disposing of contested suits of large value and is not properly done by the Courts of the Subordinate Judges invested with the functions of a District Court under Section 4 of the Regulation. These latter courts, as will be seen from the enclosed statement, dispose of the large majority of cases arising under the Regulation because the value of the properties involved

Vide Notification No. J. 1403, Cts. 131-11, dated the 6th November 1911.

in them is within the limits of their pecuniary jurisdiction. The Judges of these courts appear to be under the impression that their duty ends with the granting of certificates appointing certain persons to be the guardians of the persons and properties of minors who are not able to take care of themselves and who have no other guardian to look after their interests; and they seldom take further action under the Regulation for the purpose of seeing that the affairs of the said minors are properly administered by the persons appointed to be their guardians, although they have been invested with ample powers to do so, so far as the guardians are concerned, and can even punish the latter in a summary way for wilful disobedience of the orders of the Court (vide Section 44 of the Regulation). The result is that in the large majority of cases the estates of minors, far from being preserved for their benefit, are wasted or mismanaged to such an extent that when they come of age they find very little left for them to take. Even the District Judges do not seem, in cases disposed of by them, to exercise their protective power in a manner which will conduce to the interests of the minors whom thay make wards of the Court. Since it is essential to ensure that these powers are exercised in a proper manner and that the estates of the minors are

not lost to them by improvident management on the part of their guardians, and since the District Judges have more time at their command and can carry out the purposes of the Regulation in a more efficient and satisfactory manner than the Subordinate Judges, the Judges of the Chief Court are of opinion that the jurisdiction conferred upon the Subordinate Judges by the Notification referred to above should be limited to cases in which the value of the property involved does not exceed Rs. 2,500Ø-. It is needless to mention in this connection that none of the Munsiffs in the state has been invested with the functions of a District Court under the Regulation.

The Chief Court are further of opinion that, for nearly the same reasons, the jurisdiction exercised by the Subordinate Judges under the marginally cited Notifications issued under Sectio

Government Notifications Nos. 1401S/ J. 1180, dated 24th February 1902 and No. J. 347 - C. 22-2 dated 1st August 1905.

22 of the Succession Certificate Regulati

(No. VII of 19

should be limited, as in the case of Munsiffs, to proceedings involving amounts not exceeding Rs. 2,500/-, their jurisdiction being exercised over the area not comprised within the

Dear

4

local limits of the jurisdiction of the Munsiffs who have been invested under the said Section with the functions of a District Court.

If the above proposals meet with the approval of - Government, the necessary draft notifications will be forwarded for their consideration.

I have the honour to be,

Sir,

Your most obedient servant,

Registrar.

N. G.

187.

Requesting the Regr, Chief Court, to consider about the pecuniary limits of the jurisdiction of the Sub. judges.

5

G. R. S. 26] 14/8

File No. 2941-2

Serial No. 2

Diary No. of letter replied to J 3054

No. J 587

General and Revenue Secretariat

( )

, the *191* .

To Dear Sir,

Date of issue 19th Aug 13

Signed by Mr S. P. Rajagopala Char

With reference to your letter no: 3844/285 dt 24.25.4.1913 proposing the reduction of the pecuniary jurisdiction of the Subjudges to Rs 2500/- under the Guardian and Wards Regulation and the Succession Certificate Regn as well, I am to request you to move the Chief Court to be so good as to consider whether it would not be more in consonance with the Civil Courts

over.

SUBJECT.

6

Vesey if the jurisdiction in these matters also is subjected to the same pecuniary limits as in regular civil suits.

Yours Sincerely

13/8/13

WW

To.

V. A. Rajaratna Mudaliar, Esq
Registrar, Chief Court.

List of enclosures.

Pp (149)
12.8.13

Copied by

Examined by WW

GPB—25,000—8-8-11.

J 857

ct 294-12-3

Chief Court of Mysore,

Bangalore, 8th September 1913.

Dear sir,

In reply to your D.O. letter No: J 587 dated the 19th August 1913, asking me to move the Chief Court to consider whether it would not be more in consonance with the Civil Courts Regulation, if the jurisdiction conferred upon the Sub Judges under the Guardian and Wards Regulation and the Succession Certificate Regulation were also subjected to the same pecuniary limits as in regular Civil Suits, I am directed to invite a reference to the opinion expressed by this Court on your office file No: 294 of 1912-13 to the effect that there is no legal objection to a pecuniary limit being placed on the jurisdiction of those courts, even though that limit may be below Rs 5,000, and to add that if the Government feel any difficulty in the matter, the Chief Court do not wish to press the point;

but

but they would recommend instead that the jurisdiction now exercised by the Subordinate Judges under the Guardian and Wards Regulation be withdrawn altogether, in view of the facts that in British India Subordinate Judges exercise no jurisdiction whatever under the Guardian and Wards Act (vii of 1889) —— there being no section in that Act corresponding to section 4 of our Regulation —— and that the work which will devolve on the District Judges by reason of such withdrawal will not be unduly high as will be seen from the statement forwarded with this Office No: 3844/285 dated 24th April 1913.

So far as regards the powers which the Subordinate Judges exercise under the Succession Certificate Regulation, the Chief Court, on further consideration, are of opinion that the notifications Nos: 14015/J 1180 dated the 24th February 1902 and J-347 - C - 22-2, dated the 1st August 1905, may remain unaltered.

Yours sincerely,

S.P. Rajagopala Char, Esq., B.A.B.L.,

Assistant Secretary to Government.

Withdrawal of the Jurisdiction of the Sub Judge under the Guardian & Wards Reg.: 4

8

G. R. S. 26]

4/13

Diary No. of letter replied to 857

C5 File No. 2940/1912

Serial No. 4-13

No. J 1220

General and Revenue Secretariat

( )

, *the* 191 .

To

The Registrar,

Chief Court

Date of issue 18. 10. 13

Signed by M S P Rajagopala Char

Sir,

Adverting to the correspondence in the matter of the jurisdiction of the Subordinate Judges under the Guardian & Wards Regulation and the Succession Certificate Regulation, I am directed to state that Govt approve of the Suggestion made in your d.o. letter, of the 8th Sept 13 viz., that the jurisdiction now exercised by the Subordinate Judges

P.T. over.

SUBJECT.

7

under the Guardian & Wards Regulation be withdrawn altogether and that the power which the Sub-Judge exercise under the Succession Certificate Regulation may remain unaltered. ---

The necessary draft notification regarding the withdrawal of jurisdiction under the Guardian & Wards Reg. may be forwarded for the approval of Govt.

I have &c.

Sd/-

For Secy. to Govt

27/9/13

Draft

25/9

Rg.-116

24/9/13 WW

List of enclosures,

Copied by

Examined by

GPB—25,000—8-8-11.

no. 1757 Rev-1
1.43

10

CHIEF COURT OF MYSORE.

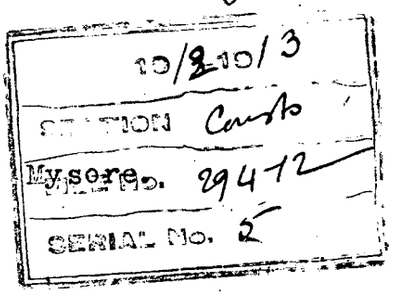
Bangalore, dated 27th October 1913

30-

J/3553

From,

The REGISTRAR of the
Chief Court of Mysore.



To,

The SECRETARY to the Govt: of Mysore,
General and Revenue Departments.

S i r,

Adverting to the correspondence ending with your letter No. J. 1220/Cts. 294-12-4 dated the 13th Instant, I am directed to forward for the approval of Government the enclosed draft Notification regarding the withdrawal of jurisdiction under the Guardian and Wards Regulation, now exercised by Subordinate Judges.

I have the honour to be,
Sir,
Your most obedient servant,

Registrar.

N. G.

187.

Cts 29412-6

11

27/11/1353

GOVERNMENT NOTIFICATION.

ab

No. J 1584

dated 6th Nov 1913.

2

Notification No. J. 1403/Cts. 131-11, dated 8th November 1911, investing the Courts of the Subordinate Judges of Bangalore, Mysore and Shimoga, with the functions of a District Court under Section 4 of the Guardian and Wards Regulation (V of 1911), is hereby cancelled.

By order,

For Secy to Govt

~~Registrar.~~

JM 18/11

N. G.

Do.

187. The compiler, Mysore Gazette for publication with a Kannada translation

20/11/13

28 Nov

G.R.S. 70]

Government of H. H. the Maharaja of Mysore.

GEN. & REV. SECRETARIAT.

Mysore Gazette. Part-I Page 1130 Nov. 27. 13

REQUISITION FOR PAPERS.

34053

Section

A

B A specific copy of

Filed

Deposit J 1584 Cs 29 4-12-6

File No. Cy 26 M. 13

Serial No.

To be put up ~~with Diary No. of 191~~ w. Record

Signature

Branch

Section

Date 22.10.14.

Spare copies not required.

GPB—20,000—19-7-12

29/10/14.